

HOUSE BILL 1945
By Whitson

AN ACT to amend Tennessee Code Annotated, Section 7-82-307, relative to utility districts in counties having a population of not less than sixteen thousand (16,000) nor more than sixteen thousand five hundred (16,500), according to the 1980 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by deleting subsection (s) in its entirety and by substituting instead the following new language:

(s)(1) In any water utility district having a service area which lies entirely within any county having a population of not less than sixteen thousand (16,000) nor more than sixteen thousand five hundred (16,500) according to the 1980 federal census or any subsequent federal census, members of the board of commissioners shall serve four-year terms.

(2) All vacancies occurring after April 3, 1984, on the board of commissioners in such water utility districts, including vacancies created by death, resignation, disability, forfeiture of office, or expiration of term of office, shall be filled in the following manner:

At least thirty (30) days prior to a meeting scheduled by the board for the purpose of filling a vacancy in the office of water utility district commissioner, the incumbent water utility district commissioners shall mail written notice of such meeting to all subscribers of the water utility district. In the case of an expiration of term of office, such notice shall be mailed at least thirty (30) days prior to such

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expiration; in all other cases, notice shall be mailed within two (2) weeks of the occurrence of the vacancy. Such notice shall include, but shall not necessarily be limited to, information identifying the purpose, time and location of the scheduled meeting.

(3) At the meeting, nominations shall be made by the subscribers in attendance, but recommendations may be made by the board of commissioners of the water utility district, or by the governing body in such counties. All nominees shall be residents of the district and subscribers of the water utility in which a board vacancy exists.

(4) A majority of the subscribers present and voting at the meeting shall select a person to fill the vacant office. After April 23, 1992, a plurality of the subscribers of each water utility district, having a service area which lies entirely within a county described within subdivision (s)(1), present and voting at the meeting, shall select a person to fill the vacant office.

(5) The incumbent commissioners of the water utility district shall submit the name of the person selected to the county legislative body, which shall confirm such selection; provided, that the person meets the residency and other requirements set out in subdivision (s)(3).

(6) In the event the county legislative body refuses to confirm, another meeting of the subscribers shall be scheduled by the board as provided in this subsection.

(7) The provisions of this subsection apply to any vacancy occurring after April 3, 1984, in any water utility district as described in subdivision (s)(1).

(8) Notwithstanding the provisions of this section or any other law to the contrary, the county legislative body of each county described within subdivision (s)(1) may, by two-thirds (2/3) vote of its total membership, require that each water utility district, having a service area which lies entirely within the county, be governed by a five-member board of commissioners. The commissioners shall be elected in accordance with the

procedures prescribed within this subsection; however, in order to maintain staggered terms, the additional board positions created pursuant to this subdivision shall be initially filled for interim, elected terms of one (1) and two (2) years, respectively.

(9) Notwithstanding the provisions of this section or any other law to the contrary, each water utility district, having a service area which lies entirely within a county described within subdivision (s)(1), shall, after April 23, 1992, be governed by a five (5) member board of commissioners. The term of office of each commissioner shall be four (4) years, except that the two (2) additional commissioners elected pursuant to this subdivision who shall be elected in an election to be held June 1992, shall serve an initial term from such date until February 1995. Thereafter each such commissioner shall be elected to and serve a term of four (4) years and shall serve until a successor is elected and qualified.

SECTION 2. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following as a new, appropriately designated subsection:

() (1) Notwithstanding any other provisions of the law to the contrary, in any natural gas utility district having a service area that lies entirely within any county having a population of not less than sixteen thousand (16,000) nor more than sixteen thousand five hundred (16,500), according to the 1980 federal census or any subsequent federal census, there shall be a five (5) member Board of Commissioners and, except as provided in subdivision (9) and subdivision (10), members of the Board of Commissioners of such utility district shall serve four (4) year terms.

(2) All vacancies on the Board of Commissioners in such natural gas utility district, created by the expiration of the term of office of a member thereof, occurring after August 1, 1997, shall be filled in the following manner:

At least thirty (30) days prior to a meeting scheduled by the board for the purpose of filling a vacancy in the office of natural gas utility district

commissioner, the incumbent natural gas utility district commissioners shall mail written notice of such meeting to all subscribers of the natural gas utility district. In the case of an expiration of term of office, such notice shall be mailed at least thirty (30) days prior to such expiration. Such notice shall include, but shall not necessarily be limited to, information identifying the purpose, time and location of the scheduled meeting.

(3) At the meeting, nominations shall be made by the subscribers in attendance, but recommendations may be made by the board of commissioners of the natural gas utility district, or by the governing body in such counties. All nominees shall be residents of the district and subscribers of the natural gas utility in which a board vacancy exists.

(4) A majority of the subscribers present and voting at the meeting shall select a person to fill the vacant office. After April 23, 1992, a plurality of the subscribers of each natural gas utility district, having a service area which lies entirely within a county described within subdivision (1), present and voting at the meeting, shall select a person to fill the vacant office.

(5) The incumbent commissioners of the natural gas utility district shall submit the name of the person selected to the county legislative body, which shall confirm such selection; provided, that the person meets the residency and other requirements set out in subdivision (3).

(6) In the event the county legislative body refuses to confirm, another meeting of the subscribers shall be scheduled by the board as provided in this subsection.

(7) The Board of Commissioners may adopt, amend, repeal and readopt reasonable rules and procedures to regulate the nomination process, as described herein in subdivision (3), and the selection process, as described herein in subdivision (4).

(8) All vacancies on the Board of Commissioners in such natural gas utility district, created by the death, resignation, disability, ouster, forfeiture of office or any cause other than expiration of the term of office of a member thereof, occurring after August 1, 1997, shall be filled, only for the remaining term created by such vacancy, in the following manner:

(A) The remaining members of the Board of Commissioners shall, as the first order of business at the next regularly scheduled meeting of the Board of Commissioners, following the vacancy, select, by majority vote of the Board of Commissioners, an individual who qualifies for such position pursuant to subdivision (3). If the remaining members of the Board of Commissioners fail to select an individual for such position then, as the first order of business, at every regularly scheduled meeting of the Board of Commissioners, until the selection is accomplished, the remaining members of the Board of Commissioners shall attempt to select, by majority vote, an individual who qualifies for such position pursuant to subdivision (3).

(B) The President/Chairman of the Board of Commissioners shall submit the name of the individual selected to the legislative body of the county government in which such natural gas utility district provides its service, which shall confirm such selection provided that the individual selected qualifies for such position pursuant to subdivision (3). Upon confirmation by the legislative body as aforesaid such individual shall fill only the remaining term created by the vacancy.

(9) Notwithstanding the provisions of this subsection or any other law to the contrary, the two (2) vacancies which shall occur on the Board of Commissioners of such natural gas utility district as a result of the expiration of the term of office in February, 1999, shall be filled in the following manner:

(A) The two (2) vacancies which shall occur on the Board of Commissioners of such natural gas utility district as a result of the expiration of the term of office in February, 1999 shall be filled by following the process as described in subdivision (2) through subdivision (6), inclusive.

(B) The person nominated who receives the greatest number of votes shall serve a four (4) year term and the person nominated who receives the second greatest number of votes shall serve an initial three (3) year term provided, however, that thereafter, except as provided in subdivision (10), all members of the Board of Commissioners of such natural gas utility district shall serve four (4) year terms and shall serve until a successor is elected and qualified.

(10) Notwithstanding the provisions of the subsection or any other law to the contrary, the vacancy which shall occur on the Board of Commissioners of such natural gas utility district as a result of the expiration of the term of office in March, 1999, shall be filled in the following manner:

(A) The vacancy which shall occur on the Board of Commissioners of such natural gas utility district as a result of the expiration of the term of office in March, 1999, shall be filled by following the process as described in subdivision (2) through subdivision (6), inclusive.

(B) The individual selected to fill the vacancy shall serve a one (1) year term provided, however, that thereafter, except as provided in subdivision (9), all members of the Board of Commissioners of such natural gas utility district shall serve four (4) year terms and shall serve until a successor is elected and qualified.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

